THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.24334 of 2006

Dated: 22.11.2006

Between:

S.V.R. Lakshmi.

.... PETITIONER

AND

The Divisional Security Commissioner, R.P.F. Guntakal Division, Guntakal, Ananthapur Disrict and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.24334 of 2006

ORDER:

Questioning the proceedings dated 05.06.2006 of the 1st respondent rejecting the request of the petitioner to provide light duties in spite of the recommendations dated 31.05.2006 of the 2nd respondent, the present writ petition is filed.

2. The petitioner states that while working as Constable in RPF, she underwent a major surgery on 13.02.2002 for Disc Prolapse with Focal Canal Stenosis. Taking into consideration her health, the 2nd respondent vide proceedings dated 02.04.2002, followed by another proceedings dated 31.05.2006, recommended to the 1st respondent to provide light duties to the petitioner, but the 1st respondent, without providing any light duties to the petitioner, rejected her claim vide proceedings dated 05.06.2006, impugned in this writ petition. Pursuant impugned order, the petitioner states that she made representations dated 04.09.2006 and 18.09.2006 requesting the 2nd respondent to provide her light work, but no orders thereon have been passed. Hence, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned

Standing Counsel for the respondents.

4. Learned counsel for the petitioner submits that the petitioner is suffering from Disc Prolapse with Focal Canal Stenosis, and in the case of employees, who were suffering from similar ailment, the respondents have provided light work, and the action of the 1st respondent in rejecting the request of the petitioner for giving light work despite recommendations of the 2nd respondent is illegal and arbitrary. He further submits that the petitioner is a poor woman having no other source of livelihood, and if she is compelled to perform hard duties, there is a life risk to her. He thus, prayed to direct the respondents to provide light duties to the petitioner by considering her representations dated 04.09.2006 and 18.09.2006.

5. On the other hand, the learned Standing Counsel for the respondents submits that since there is no concept of providing light duties to the employees working in the armed force, the respondents are unable to provide any light duties to the petitioner, and no interference is called for with the impugned order passed by the 1st respondent rejecting the request of the petitioner for providing light duties.

6. The respondent-RPF, admittedly, is an armed force. In the armed forces, there is no concept of light duty or hard duty, and that every staff has to perform duties with Arms & Ammunition. Since there is no concept of light duties or hard duties in the respondents-armed force, no exception can be taken to order of the 1st respondent rejecting the request of the petitioner for providing light duties. At any rate, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, does give a direction to the respondents to provide light duties or hard duties

to its employees, and more so when any of the allotment of duties, depends upon the necessity and requirement of the authorities and the ability of the employees to perform such works. However, if the petitioner is unable to continue in the job, she can avail the alternative remedies available to her under law.

Accordingly, the Writ Petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 22.11.2006

sj/ksr